

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**Barney and Rebecca Revier
David Newberry**

**BK 04-50317
BK 04-50318**

Debtors.

Chapter 7

**AMENDED UNITED STATES TRUSTEE'S MOTION FOR ORDER
TO RETURN PAYMENT UNDER 11 U.S.C. § 329(b)**

COMES NOW the United States Trustee through his undersigned attorney, Sarah J. Wencil, and files this motion for order to return payment under 11 U.S.C. § 329(b).

1. The Court will hold a hearing on this motion on September 8, 2004, at 2:00 p.m. before the United States Bankruptcy Court, Courtroom 2, Fourth Floor, 416 U.S. Courthouse, 515 West First Street, Duluth, MN 55802.

2. Any response to this motion must be filed and delivered not later than September 2, 2004, which is three business days before the time set for the hearing, or filed and served by mail not later than August 27, 2004, which is seven business days before the time set for the hearing. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, FED.R.BANKR.P. 5005 and Local Rule 1070-1. The United States Trustee has standing to file this motion pursuant to 28 U.S.C. Section 586(a) and 11 U.S.C. Section 307. This proceeding is a core proceeding.

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CERTIFICATE OF SERVICE


The undersigned states under penalty of perjury that she is an employee of the Office of the U.S. Trustee and that on September 3, 2004 she served the Amended United States Trustee Motion for Order to Return Payment under 11 U.S.C. § 329 on the entities listed below by first class mail.

Barney and Rebecca Revier
PO Box 15202
Duluth, MN 55815

David Newberry
3710 West Sixth Street
Duluth, MN 55807

Doraine Larison
1010 West St. Germain Room 600
St. Cloud, MN 56301

Arthur M. Albertson
101 West 2nd Street Suite 107
Duluth, MN 55802


**Office of the U.S. Trustee
Terri Frazer**